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REMARKS

In this Final Office Action, claims 1-3, 5-10 and 12-26 are pending, of which claims 1-3, 5-10 and 12-26 stand rejected. By this amendment, claims 1, 7 and 12 have been amended. In view of both the amendments presented above and the following discussion, the applicants submit that none of the claims now pending in the application are anticipated under the provision of 35 U.S.C. §102. Thus, the applicants believe that all of these claims are now in allowable form.

Rejections

A.   35 U.S.C. §112

Claims 1-3, 5-10 and 12-26

The Examiner has rejected claims 1-3, 5-10 and 12-26 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. While applicants believe the claims examined did distinctly claim the invention, applicants have amended the claims to more clearly define the subject matter that applicants regard as the invention.

Specifically, in claims 1, 7 and 12, the Examiner contends that it is unclear as to what is meant by the claim language "the same periodically inserted time stamp." The applicants note that this means that the time stamps used in the output transport stream are the same as the time stamps used in the received transport stream. That is, the time stamps themselves are not modified, even though packets associated with programs in a desired time slot are modified. To further define and clarify the invention, claim 1 has been amended as follows:

> "A method for processing a transport stream comprising a plurality of time slots for transporting therein respective programs having a common time base indicated by periodically inserted time stamps, said method comprising:
> modifying packets associated with a desired time slot of a received transport stream to produce an output transport stream; and
> transmitting said output transport stream; wherein

> said transmitted output transport stream includes respective modified programs <u>having said common time base indicated by said periodically inserted time stamps provided by said received transport stream</u>."

As indicated in amended claim 1, the "output transport stream includes respective modified programs having said common time base indicated by said periodically inserted time stamps provided by said received transport stream." The applicants respectfully contend that such amendment clearly and definitively addresses the Examiner's concerns. It is noted that similar amendments are made to claims 7 and 12.

Thus, it is respectfully submitted that claims 1, 7 and 12 satisfy the requirements of 35 U.S.C. §112, ¶2 and are patentable thereunder. Further, with respect to claims 7 and 12, the applicants have further amend these claims to correct the identified informalities (insufficient antecedent basis for the limitation "said received transport stream" and a definition of "N"). Therefore, it is respectfully submitted that claims 1, 7 and 12, as well as all claims depending directly or indirectly from any of claims 1, 7 and 12, are patentable under 35 U.S.C. §112, ¶2.

B.   35 U.S.C. §102
      Claims 1-3, 5-10 and 12-26
      The Examiner has rejected claims 1-3, 5-10 and 12-26 under 35 U.S.C. §102(e) as being anticipated by the Slattery patent (U.S. Patent No. 6,246,701, issued June 12, 2001). The applicants respectfully disagree.
      Claim 1 (as amended) recites:

> "A method for processing a transport stream comprising a plurality of time slots for transporting therein respective programs having a common time base indicated by periodically inserted time stamps, said method comprising:
> modifying packets associated with a desired time slot of a received transport stream to produce an output transport stream; and
> transmitting said output transport stream; wherein
> said transmitted output transport stream includes respective modified programs having said common time base indicated by said

periodically inserted time stamps provided by said received transport stream."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983) (emphasis added)). The Slattery reference fails to disclose each and every element of the claimed invention, as arranged in the claim. That is, the Slattery reference fails to disclose the limitation of "the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream."

The Examiner contends that Slattery discloses "the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream. This is incorrect. In contrast to the above-quoted claim language, Slattery teaches that the time stamps (i.e., program clock references or PCRs) are restamped for the output transport stream. That is, the time base associated with the time stamps of the output transport stream is different than the time base associated with the time stamps of the received transport stream. This is a fundamental difference between the Slattery arrangement and the claimed invention.

Slattery teaches the PCR's of a transport stream are restamped. Specifically, Slattery discloses a PCR normalization process where the processor schedules each transport packet to be outputted in a time slot at a particular dispatch time, corresponding to a predetermined delay in the remultiplexer node. If the scheduled transport packet contains a PCR, the PCR is adjusted based on a drift of the local reference clock relative to the program of the system time clock from which the PCR was generated, as well as adjusting PCR time stamp based on a difference between the scheduled dispatch time of the transport packet and an actual time at which the time slot occurs relative to an external clock (see Slattery, Col. 7, lines 50-62).

By contrast, the applicants' invention provides that <u>the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream</u>. That is, the applicants' invention does not require the normalization process, as disclosed in the Slattery reference, since a modified (i.e., replacement) transport packet uses the time stamp of the originally received transport stream. To further illustrate the difference between the applicants' invention and Slattery, the Examiner is invited to refer to FIG. 4. In FIG. 6, the packets of program 1 are illustratively modified (i.e., replaced) by the packets of program 4. The program packets designated 4 in the second transport stream T_{IN2} are multiplexed into the output transport stream T_{OUT} such that the packets of program 4 utilize the slots and time stamps of the transport packets of program 1 in the first transport stream T_{IN1}. Accordingly, the normalization process of Slattery is not required in the applicants' invention. Therefore, for at least the reasons discussed above, <u>each and every element of the claimed invention</u>, arranged as in the claim, is not taught or even suggested by the Slattery reference.

As such, the applicants submit that independent claim 1 is not anticipated under 35 U.S.C. §102 and is fully patentable thereunder. Moreover, the applicants have amended independent claims 7 and 12, which recite similar limitations as recited in independent claim 1, as amended. As such, the applicants submit that independent claims 7 and 12 are not anticipated under 35 U.S.C. §102 and are fully patentable thereunder. Finally, the remaining claims depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such, and for at least the same reasons, the applicants submit that these dependent claims also are not anticipated under 35 U.S.C. §102 and are fully patentable thereunder. Therefore, the applicants respectfully request that the rejections be withdrawn.

<u>Conclusion</u>

Thus, the applicants submit that none of the claims, presently in the application, are anticipated under the provision of 35 U.S.C. §102 or improper under the provisions of 35 U.S.C. §112. Consequently, the applicants believe that all these claims are

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presently in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/24/02

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